IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 5TH JULY 2007 / 14TH ASHADHA 1929

WP(C).No. 30034 of 2003(A)

PETITIONER:

P.V.THOMASUKUTTY, PUTHUSSERIL HOUSE,
NANNUVAKKADU, PATHANAMTHITTA P.O.,
PIN - 689 645.

BY ADV. SRI.JOSEPH SEBASTIAN PURAYIDAM.

RESPONDENTS:
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1. **THE EXECUTIVE ENGINEER,**
   PWD ROADS SUB DIVISION,
   PATHANAMTHITTA,
   PATHANAMTHITTA DISTRICT.

2. **THE ASST: EXECUTIVE ENGINEER,**
   PWD ROADS SUB DIVISION,
   PATHANAMTHITTA,
   PATHANAMTHITTA DISTRICT.

3. **PATHANAMTHITTA MUNICIPALITY,**
   REPRESENTED BY ITS SECRETARY,
   PATHANAMTHITTA,
   PATHANAMTHITTA DISTRICT.

4. **SITE ADVERTISING COMPANY,**
   2ND FLOOR, ADAM TOWER,
   KOTTAYAM, REPRESENTED BY ITS
   PROPRIETOR, P.H.ANVER.

BY ADV. SRI.M.NARENDRA KUMAR,
GOVERNMENT PLEADER SMT. SMITHA SUKUMARAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.30034/2003:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE WILL DTD. 07/05/1990 BY WHICH THE SAID PROPERTY.

EXT.P.2: COPY OF THE LAND TAX RECEIPT ISSUED TO THE PETITIONER DTD. 15/07/2003.

EXT.P.3: COPY OF THE APPLICATION DTD. 08/08/2003 SUBMITTED BY THE PETITIONER TO THE I.B.P. COMPANY.

EXT.P.4: COPY OF THE PHOTOGRAPHS.

EXT.P.5: COPY OF THE REPRESENTATION TO THE R.2. BY THE PETITIONER DTD. 01/09/2003.

EXT.P.6: COPY OF THE REPRESENTATION TO THE R.3. DTD. 01/09/2003.

EXT.P.7: COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER TO THE R.3. DTD. 20/09/2003.

EXT.P.8: COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER TO THE RESPONDENTS NO. 1 AND 3.

EXT.P.9: COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER DTD. 19/09/2003.

EXT.P.10: COPY OF THE REPRESENTATION SUBMITTED BY LOCAL PEOPLE NEAR COLLECTORATE TO THE R.3. DTD. 19/09/2003.

RESPONDENT'S EXHIBITS:

EXT.R4.A: COPY OF THE AGREEMENT DTD. 09/07/2003.

EXT.R4.B: COPY OF THE LETTER OF MUNICIPAL COUNCIL TO THE EXECUTIVE ENGINEER P.W.D - 1ST RESPONDENT.

EXT.R4.C: COPY OF THE PHOTOGRAPH OF WAITING SHED.

//TRUE COPY//

prv.

Thottathil B. Radhakrishnan, J.

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W.P.(C)No.30034 of 2003

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Dated this the 5th day of July, 2007.

JUDGMENT

Petitioner has a fairly huge stretch of land abutting a main road. Pressing on the legal contention that he is entitled to ingress and egress from every point abutting the main road, he filed this writ petition challenging the proposal to have a waiting shelter for pubic awaiting public transport. An interim order was issued at the time of admission. Later, when the official respondents came on record, this Court noticed Ext.R1(b) sketch produced along with the counter affidavit of the first respondent and vacated that interim order by order dated 16-8-2004 leaving the petitioner to work out his remedies in the writ petition and ordering that the waiting shed will be demolished if the writ petition is allowed.

2. The said sketch, Ext.R1(b) along with the other materials on record would show that while the petitioner has a fairly long stretch of frontage

abutting the main road, there is no reason why his private interest for egress to the property should be permitted to weigh over and above the larger public requirement to have a waiting shelter for the public. The official respondents appear to have given the contract to an advertising company, the fourth respondent, for erection and maintenance of the shed.

Having regard to the materials on record, I find no ground to issue any direction, as sought for. Writ petition fails. It is hence dismissed. No costs.

Thottathil B.Radhakrishnan,
Judge.

sl.

Thottathil B. Radhakrishnan, J.

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W.P.(C)No.30034 of 2003

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JUDGMENT

Dated:5-7-2007